

CHAPTER II

ADMINISTRATION

ARTICLE I

TOWN MEETING AND ELECTIONS

2-1 TOWN MEETING AND ELECTIONS.

2-1.1 Notice of Town Meeting. Notice of every Town Meeting shall be given by posting at the Post Office, Town Hall, and at each of the Meeting Houses in the Town, an attested copy of the warrant for such meeting, at least seven (7) days before the time named in the warrant for holding the meeting.

(Art. I ~ 1, 7/15/15)

2-1.2 Warrants for Annual Town Meeting and Town Elections. Printed copies of all warrants for Annual Town Meeting and Town Elections shall be mailed or otherwise delivered by the Board of Selectmen to the registered voters at least seven (7) days before the date for the Town Meeting or Election or the May Special Town Meeting held on the same day within the Annual Town Meeting, and fourteen (14) days before a Special Town Meeting.

(Art. I ~ 2, 7/15/15; Art. XII, 3/4/18; Art. I ~ 2, 3/16/39; (Art. 24, 5/7/77; Art. 33, 5/7/02)

2-1.3 Time of Annual Town Meeting. The Annual Town Meeting shall be called for the first Tuesday in May at 7:00 o'clock in the afternoon. The election of Town officers and the vote upon such questions as can legally be placed upon the ballot shall take place on the first Thursday after the first Tuesday in May and the polls shall be opened at 7:00 a.m. and may close at 8:00 p.m.

(STM Art. 5, 6/17/71; Art. 37, 3/19/73 [A1 ~ 3]; Art. 50, 5/20/75; Art. 25, 5/7/77; Art. 35, 5/5/98; Art. 25, 5/4/04).

2-1.4 Location of Annual and Special Town Meetings. The Town may hold its Annual and Special Town Meetings or any adjournments thereof at the Masconomet Regional School in the Town of Boxford; provided, that any meeting for the election by official ballot of Federal, State, County or other officials shall be held within the Town of Topsfield.

(Voted by Legislature 11/26/73)

2-1.5 Quorum Required at Town Meeting. One hundred (100) of the legal voters of the Town shall constitute a quorum for the transaction of business of the Town at all Town Meetings except such parts of the meetings as are devoted exclusively to the election of Town Officers, but a number less than a quorum may adjourn a meeting to a later date.

(STM Article I, 7/15/15; Art. 1 ~ 5, 3/6/50; Art. 39, 3/2/59)

2-1.6 Two-Thirds Voice Vote. The Moderator may take all votes requiring a two-thirds majority in the same manner in which he or she conducts the taking of a vote when a majority is required.

(Art. 36, 5/5/98)

ARTICLE II

WARRANT FOR ANNUAL TOWN MEETING

2-2 ISSUANCE OF WARRANT.

- 2-2.1 Duty of Board of Selectmen. The Board of Selectmen shall issue the Warrant for the Annual Town Meeting in accordance with subsection 2-1.2.

(Art. 2, 7/15/15; Art. 35, 3/3/19; Art. 24, 3/16/50; Art. 51, 3/5/56; Art. 28, 3/6/61; Art. 37, 3/19/73; Art. 27, 5/9/77)

ARTICLE III

BOARD OF SELECTMEN

2-3 BOARD OF SELECTMEN: DUTIES.

2-3.1 Membership. The Board of Selectmen shall consist of five (5) members who are elected by popular vote at an annual Town election in May for alternating terms. Each Selectman shall serve for a three (3) year term, with no more than two Selectmen's terms to run concurrently. Notwithstanding the provisions of the immediately preceding sentence, at the Annual Town Election in May of 2006, one additional member shall be elected for a two (2) year term and one additional member shall be elected to a three (3) year term. The terms of those members currently serving as Selectmen at the time of the adoption of this By-law shall be unchanged.

2-3.2 Duties.

a. Distribution of Warrant of Town Meeting to the Finance Committee. The Board of Selectmen shall immediately upon issuance, forward warrants of all Town Meetings to the Finance Committee.

b. Annual Code Supplementation. The Board of Selectmen shall on an annual basis, subject to appropriation by Town Meeting, contract for a complete supplementation service for the insertion of General By-laws, Zoning By-laws, operating rules and regulations as enacted and/or adopted by the Town Meeting and/or any Town Board, Committee or Official in the Municipal Code Book.

c. Appointment of Town Administrator. Upon the passage of a Town Meeting, vote establishing the Office of Town Administrator and effective January 1, 2007, the Board of Selectmen shall, by majority vote, appoint a Town Administrator, who shall have the powers as set forth in Article X, Section 67-1. Said Administrator shall be a person especially fitted by education, training and experience to perform the duties of the office.

1. Three Year Contract. The Town Administrator shall be given a three (3) year contract which may be terminated by the Board of Selectmen sooner, for cause, only upon the vote of not less than four (4) members of the Board of Selectmen.

2. Upon the appointment of any Town Administrator, the position of Executive Secretary shall be abolished.

2-3.3 Salary. Each Selectman shall receive, subject to appropriation, an annual salary of \$900.00, prorated for any period of time less than one (1) year served due to resignation, special elections, or the like.

(Art. 3, 3/1/05)

2-3.4 Distribution of Warrant of Town Meeting to the Finance Committee. The Board of Selectmen shall immediately upon issuance, forward warrants of all Town Meetings to the Finance Committee.

(Art. 36, 3/3/19; Art. III ~ 1, 3/6/39)

2-3.5 Annual Code Supplementation. The Board of Selectmen shall on an annual basis, subject to appropriation by Town Meeting, contract for a complete supplementation service for the insertion of general By-Laws, zoning By-Laws, and operating rules and regulations, as enacted and/or adopted by the Town and/or any Town Board, Committee or Official in the Municipal Code Book.

(Art. 44, 5/2/95)

ARTICLE IV

FINANCE COMMITTEE

2-4. FINANCE COMMITTEE ESTABLISHED.ⁱ

2-4.1 Members; Duties. There shall be a Finance Committee appointed by the Town Moderator, consisting of seven (7) legal voters none of whom shall be officers of the Town elected by ballot. The duties of this Committee shall include consideration of any and all municipal questions for the purpose of making reports and recommendations to the Town, and consideration of the articles in the warrant for Town Meetings and it shall report at each Town Meeting estimates and recommendations with reasons therefor for the action of the Town.

(Art. 3, 7/15/15; Art. 3, 3/6/39; Art. 15, 5/7/77)

2-4.2 Requests for Information. All the Officers and Committees shall, upon its request, furnish it with facts, figures, and any other information pertaining to their several Departments.

(Art. 3, 7/15/15; Art. 3, 3/6/39)

ARTICLE V

ZONING BOARD OF APPEALS

2-5. ZONING BOARD OF APPEALS ESTABLISHED.

2-5.1 Members: Duties. A Zoning Board of Appeals, consisting of five (5) members appointed by the Board of Selectmen, is responsible for administering the Topsfield Zoning By-Laws in conformity with the provisions of GLc 40A, as amended (known as "The Zoning Act"). Four (4) Associates, appointed by the Board of Selectmen, may sit in the place of absent members upon designation by the Chairman, or, in his absence, the Acting Chairman. Associates shall be appointed for a term of one (1) year. These Rules and Procedures shall incorporate The Zoning Act, as amended, as if fully set forth herein.

2-5.2 Jurisdiction.

a. To hear and decide applications for special permits pursuant to Article V, Section 5.02 of the Topsfield Zoning By-Law;

- b. To hear and decide petitions for variances from the requirements of the Topsfield Zoning By-Laws;
- c. To hear and decide applications for Site Plan Review pursuant to Article IX of the Topsfield Zoning By-Laws;
- d. To hear and decide applications for Comprehensive Permits pursuant to GLc 40B ~ 20-23;
- e. To hear and decide appeals from decisions of the Building Inspector or others pursuant to Section R:11-8c of these Rules and Procedures.

2-5.3 Organization.

- a. The Zoning Board of Appeals shall annually elect a Chair and a Clerk from its membership.
- b. Meetings of the Zoning Board of Appeals shall be held at the call of the Chair. Public notice of meeting time and place shall be filed with the Town Clerk at least forty-eight (48) hours prior to the meeting.
- c. The Chair may designate an alternate member to sit on the Board in case of absence, inability to act, or conflict of interest on the part of any member thereof, or in the event of a vacancy on the Board until the vacancy is filled by appointment of the Selectmen.
- d. A concurring vote of at least four (4) out of five (5) Board members shall be required for the granting of a variance or special permit, or any extension, modification, or renewal thereof, and for any order or decision or reversal.
- e. Records of the Board's proceedings shall be kept by the Clerk and shall upon approval of the Board become public record.

(Art. 42, 5/1/90)

2-6--2-12 RESERVED

ARTICLE VI

ANNUAL AUDIT

2-13. ANNUAL FINANCIAL AUDIT.

The Town Accountant as directed by the Board of Selectmen shall on an annual basis contract for financial services to audit or review the financial records of the Town.

(A 27, 5/4/93)

ARTICLE VII

BOARDS, COMMITTEES AND COMMISSIONS

2-14 CAPITAL PROGRAM COMMISSION deleted Article 4,

(STM 3/1/05 effective January 1, 2007)

2-14 RESERVED

2-15 CONSERVATION COMMISSION.

2-15.1 Establishment; Statutory Authority. Under the provisions of GLc 40 ~ 8C, inserted by Section I of Chapter 223 of the Acts of 1957, a Conservation Commission for the promotion and development of the natural resources and for the protection of watershed resources of the Town may be established. A Conservation Commission shall be established in accordance with the Acts of 1957, Chapter 223.

2-15.2 Members; Term.ⁱⁱ A Conservation Commission of seven (7) members shall be appointed by the Board of Selectmen to serve three (3) year overlapping terms of office commencing July of each year. Upon the expiration of the present terms of the five (5) appointees, the Board of Selectmen shall appoint members annually to three (3) year terms. The Board of Selectmen shall appoint two (2) additional members to the following terms: one (1) member to be appointed for an initial two (2) year term; the other to be appointed to a three (3) year term; and thereafter for three (3) year terms.

2-15.3 Powers, Duties and Authority. The Topsfield Conservation Commission will have all the powers, duties, and authority as conferred on Conservation Commissions under the Massachusetts General Laws and the Town By-Laws, Rules and Regulations thereof.

(Art. 28 & 29. 3/7/60; Art. 34, 5/2/95)

2-16 COUNCIL ON AGING.

2-16.1 Establishment, Membership and Tenure: The Council On Aging, as established hereunder, shall consist of seven, nine or eleven members to be appointed by the Board of Selectmen for alternating three year terms commencing on July 1 of each year; provided, however, that initial appointments made hereunder may be for one, two or three year terms, and thereafter for terms of three years; and provided further that any members of the Council On Aging holding office as of the effective date of this by-law may continue to serve until the expiration of their term or sooner resignation. Members of the Council On Aging may be removed for cause after a hearing. Vacancies shall be filled for the remainder of the unexpired term in the manner of the original appointment.

2-16.2 Quorum: For purposes of this by-law, a quorum of members of the Council On Aging shall constitute a majority of those then in office.

2-16.3 Duties: Members shall have the duties, powers and authority as are conferred from time to time by M.G.L. Chapter 40, Section 8b as amended.

(Art. 17, 3/20/72; Art. 9, 11/19/73; Art.31 & Art 32 , 5/5/92; Art.28, 5/1/07)

2-17 TOPSFIELD HISTORICAL COMMISSION.iii

2-17.1 Established; Members. There is hereby established a Topsfield Historical Commission under the provisions of the Historic Districts Act, GLc 40C, as amended, consisting of five (5) members, appointed by the Board of Selectmen, including one (1) member, where possible, from two (2) nominees submitted by the Topsfield Historical Society, one (1) member, where possible, from two (2) nominees submitted by the Massachusetts State Chapter of the American Institute of Architects, and one (1) member where possible, from two (2) nominees of the Board of Realtors covering Topsfield. One of the foregoing shall be, where possible, a resident of, and one shall be, where possible, a property owner within the Historic District established in Topsfield pursuant to the Historic Districts Act. When the Commission is first established, one (1) member shall be appointed for a term of one (1) year, two (2) shall be appointed for a term of two (2) years, and two (2) shall be appointed in like manner for three (3) years, and their successors shall be appointed in like manner for terms of three (3) years.

The alternate members shall be appointed by the Board of Selectmen for a term of one (1) year and may actively participate as a member of the Commission upon the request of the Chairman of the Historical Commission in the absence of any regular member of the Historical Commission.

2-17.2 Powers and Duties. Pursuant to GLc 40C ~ 14, the Historical Commission shall have the powers and duties of an Historical Commission as provided in GLc 40 ~ 8D and rename the Historic District Commission the Topsfield Historical Commission.

(Art. 30, 3/20/72; Art. 32, 5/21/74; Art. 18, 10/22/85; Art. 56, 5/12/89)

2-18 INSURANCE COMMITTEE BY-LAW

2-18.1 Establishment, Membership and Tenure: The Insurance Committee, as established hereunder, shall consist of five (5) voting members, the Town Administrator as a non-voting ex-officio member, and at the discretion of the Committee, may include additional non-voting ex-officio members as required by said Committee.

- a. One (1) member of the Board of Selectmen selected thereto annually by the Chairman of the Board.
- b. One (1) member of the Finance Committee selected thereto annually by the Finance Committee Chairman.
- c. Three (3) members appointed annually by the Board of Selectmen.

2-18.2 Duties: The Committee shall be chartered hereunder to review on an annual basis the Town's insurance policies including but not limited to Property and General Liability, Worker's Compensation, Professional Liability, Police and Fire Accident, Employee Health Insurance, and provide a recommendation to the Board of Selectmen concerning said policies relative to comprehensiveness of coverage, statutory requirements and cost impacts."

(Art. 28, 3/2/64; Art. 27, 5/2/06)

2-19 RESERVED

Editor's Note:

Community Preservation Committee By-Law (formerly identified as 2-19 Article 45 of the Annual Town Meeting of May 4, 2004, required passage of The Community Preservation Act at the next election to become effective. The Community Preservation Act failed to be adopted by ballot vote at the election of May 3, 2005 - Ballot Question Six. And therefore has been deleted from the Town Code..

2-20 BOARD OF HEALTH COMMITTEE MEMBERSHIP BY-LAW

There shall be a five member Board of Health to be appointed by the Board of Selectmen for alternating three year terms commencing on July 1 of each year. Upon the expiration of the terms of the three appointees holding office on the date this By-Law is approved by the Town, the Board of Selectmen shall appoint two additional members to the following terms: one member to be appointed for an initial one (1) year term, the other to be appointed to a two (2) year term; and thereafter for three years.

(Art. 43, 5/4/04)

2-21 AGRICULTURAL COMMISSION BY-LAW

2-21.1 Purpose: The mission of the Agricultural Commission, hereinafter “the Commission”, is to preserve, revitalize and sustain the Topsfield agricultural industry and to promote agricultural-based economic opportunities. The Commission once appointed shall develop a work plan to guide its activities. Such activities include, but are not limited, to the following: shall serve as facilitators for encouraging the pursuit of agriculture in Topsfield; shall promote agricultural-based economic opportunities in Town; shall act as advocates and educators on farming issues; shall work for preservation of prime agricultural lands; and shall pursue all initiatives appropriate to creating a sustainable agricultural community.

2-21.2 Membership: The Commission shall consist of five members, at least four of whom shall be Topsfield residents, appointed by the Board of Selectmen. The Commission shall consist of a minimum of two members whose primary or secondary source of income is derived from farming of agricultural-based enterprises in Topsfield and another three who are interested in farming. The Board of Selectmen shall appoint two alternates who may be full or part-time farmers or interested in farming. The members shall serve overlapping terms of three years. For the first Agricultural Commission, the Selectmen shall appoint two members for a term of three years, two members for a term of two years and one member for a term of one year. Thereafter, appointments shall be for three year terms. The Board of Selectmen shall fill a vacancy based on the un-expired term of the vacancy in order to maintain the cycle of appointments. The Board of Selectmen shall appoint the alternates for three year terms. The Commission may recommend appointees to fill vacancies.

(Art. 36, 5/3/05)

2-22 -- 2-24 RESERVED

2-25 MEMORIAL DAY COMMITTEE BY-LAW.

2-25.1 Established. The Moderator shall appoint a permanent Memorial Day Committee consisting of three (3) members. Members shall be appointed by the Moderator for a term of three (3) years.

(Art. 5, 3/4/57)

2-26 -- 2-30 RESERVED

2-31 PARK AND CEMETERY COMMISSIONERS BY-LAW.

The Board of Park and Cemetery Commissioners is hereby established. The Board shall have the duties and authority of the respective Boards of Park and Cemetery Commissioner. The Board shall consist of three (3) members who are elected by popular vote. Each Commissioner shall serve for a three (3) year term.

(Art. 28, 5/1/79; Art. 59, 5/2/89)

2-32 -- 2-36 RESERVED

2-37 PLANNING BOARD BY-LAW.

The Planning Board shall consist of five (5) members elected by popular vote for terms of three (3) years. Any Planning Board member may serve for not more than three (3) consecutive terms

(Art. 39, 5/12/78)

2-38--2-40. RESERVED

2-41 PUBLIC WORKS COMMITTEE BY-LAW.

2-41.1 Members Designated. The Superintendents of the Water, Park, Cemetery, and Highway Departments, the Town Engineer and the Tree Warden shall constitute a Public Works Committee for the Town. The Committee shall appoint one (1) of the members of the Committee to be Chairman for a one (1) year term and shall also appoint someone to act in their place during their absence. A member may not be appointed as Chairman for more than two (2) consecutive one (1) year terms. It shall be his duty to call and preside at the meetings of the Committee, and to file a written report to be included in the Town report upon the activities, accomplishments and proposals of the Committee. The Committee shall from time to time elect or designate a secretary who shall keep minutes of the meetings and give notice of all regular and special meetings. The Committee shall meet at least once a month at a time and place designated by the Chairman.

2-41.2 Duties of the Committee. It shall be the duty of the Committee:

- a. To coordinate the work of the several departments engaged in public works for the purpose of obtaining the most efficient use of equipment and manpower;
- b. To devise uniform record keeping forms and procedures with reference to the use of manpower and personnel which will record the hours worked by each employee, the nature of the work done and for what department;
- c. To devise uniform record keeping forms designed to show with respect to each vehicle or piece of equipment its utilization from day to day in terms of hours, location, project worked on, department for which used, and also to record mileage, maintenance, repairs, etc.;
- d. To maintain uniform personnel policies and procedures in all departments;
- e. To take such steps as may be possible to bring about pooling and centralized housing, maintenance and repair of vehicles and equipment;

f. To review and implement communication procedures to the end that citizens' needs and requests may always be known and attended to promptly;

g. To continuously explore opportunities for joint purchasing, both among the departments engaged in public works and also with other Town departments;

h. To coordinate requests for capital equipment appropriations and purchases and to develop joint manpower forecasts for planning and budgeting purposes;

i. To make recommendations to appropriate Town Officials respecting the combining or elimination of departments, the transfer of functions from one department to another or other modifications in the structure of the Town government which may lead to greater efficiency or economy in the carrying out of the public works.

j. To act upon any recommendations made by Town Officials.

(Art. 44, 5/3/88)

2-42--2-43 RESERVED

2-44 SHADE TREE COMMITTEE BY-LAW.

2-44.1 Appointment. The Moderator shall appoint a Committee of five (5) to serve as a Shade Tree Committee acting as an advisory committee to the Tree Warden and the Moth Superintendent. The Tree Warden and the Moth Superintendent shall be members of the Committee ex-officio. The Committee shall have specific responsibility for Dutch Elm Disease control, surveys and recommendations.

(Art. 23, 3/5/56)

2-45--2-48 RESERVED

2-49 TREE PLANNING SUBCOMMITTEE.

2-49.1 Established. The Tree Planning Subcommittee was established by the Topsfield Conservation Commission as a subcommittee in November, 1968.

2-50--2-53 RESERVED

ARTICLE VIII

POLICES AND PROCEDURES

2-54. DISPOSAL OF PERSONAL PROPERTY BY-LAW.

The Board of Selectmen shall have exclusive authority for and on behalf of the Town to sell, or otherwise dispose of, and transfer title to, any personal property owned by the Town except that which is used exclusively for school purposes, provided there is recorded with the Board of Selectmen a certificate of the Board, Department or Officer having charge of the property that, in its opinion, the value of the said property is less than one thousand (\$1,000.00) dollars and that said property should be sold, or otherwise disposed of, for the reason that it is either obsolete, surplus, inadequate or requires replacement.

(Art. 28, 3/3/58)

2-55--2-58 RESERVED

2-59 PAYMENT OF FEES TO TOWN TREASURY BY-LAW.

All Town Officers shall pay into the Town Treasury all fees received by them by virtue of their office.

(Art. 42,,5/1/84)

2-60--2-64 RESERVED

ARTICLE IX

CONTRACTS AND AGREEMENTS

2-65 BY-LAW REQUIRING EQUAL OPPORTUNITY EMPLOYER FOR TOWN CONTRACTS.

No contract shall be entered into by the Town directly or through any agency of the Town unless the contractor certifies in writing to the Town that the contractor and any of his subcontractors are in compliance with GLc 151B, and the Civil Rights Act of 1964 - Public Law 88-352, and set for affirmative action to ensure equal employment opportunities for all qualified persons without regard to race, color, religion, sex or national origin, as set forth in guidelines to be established by the Board of Selectmen.

(Art. 3, 6/17/71)

2-66 AFFORDABLE HOUSING TAX AGREEMENT BY-LAW

2-66.1 Pursuant to the provisions of M.G.L. Chapter 58, §8C, the Board of Selectmen or its designee is hereby authorized to negotiate on behalf of the Town an Affordable Housing Tax Agreement ("Agreement") between the Town and the developer of sites or portions of sites that will be used as affordable housing, as defined in M.G.L. Chapter 60, §1, regarding the abatement of up to 75% of the real estate tax obligations and up to 100% of the outstanding interest and penalties on said sites or portions of sites, provided that the Commission of Revenue has approved in writing the Town's request to grant such abatement.

2-66.2 The Agreement must be approved by Town Meeting if it exceeds \$25,000. In all other cases, no Town Meeting action is necessary.

2-66.3 Prior to executing the Agreement, the Town must file with the Commissioner of the Department of Revenue a written request to grant an abatement under M.G.L. Chapter 58, §8C. If the Commissioner of the Department of Revenue approves the request for abatement, or fails to act within thirty (30) days from the date of the receipt of the request for abatement to make a determination, the Board of Selectmen or its designee may execute the Agreement.

2-66.4 The Agreement must be executed by the Board of Selectmen or its designee and notarized and attested to by the Town Clerk of the municipality. A copy of the executed Agreement must be given to (1) the developer, (2) the Board of Selectmen, (3) the Department of Housing and Community Development, and (4) the Commissioner of the Department of Revenue.

2-66.5 The site covered by an agreement must be developed for: (1) affordable housing use only: or, (2) mixed affordable housing and commercial use, as set forth below.

a. Affordable Housing

The definition of “Affordable Housing” for purposes of this Bylaw shall be that provided by the Department of Revenue in Informational Guideline Release No. 02-207. Affordable housing shall mean housing (1) owned by or rented to families or individuals with household income at time of initial occupancy that meets certain income standards, and (2) subject to a recorded affordable housing restriction of at least 45 years, including resale restrictions imposed to maintain its affordability on a long-term basis. G.L. c.60, §1. Household income cannot exceed 120 per cent of the area wide median income determined by the United States Department of Housing and Urban Development as adjusted for family size. Subsequent owners and renters must also meet that income standard at initial occupancy.

b. Mixed Use

i. Primary Use

In accordance with the Department of Revenue’s Informational Guideline Release No. 02-207, affordable housing must be the primary use of any mixed-use development. The site may include commercial uses, but not market-rate housing. Primary use means that more than 50% of the floor space of the improvements on the site must be devoted to affordable housing. This condition and definition of primary use must be included in any Agreement entered into pursuant to this Bylaw, along with plans showing the percentage of floor space devoted to affordable housing use. Common areas, such as floor space used for heating, air conditioning or storage, are to be prorated and allocated to the affordable housing and other uses.

ii. Compliance

No building permits or certificates of occupancy may be issued unless the Inspector of Buildings determines that the development of the site conforms to the primary use requirement set forth in sub-section b(i).

Any Agreement made in accordance with this Bylaw must provide, at a minimum, that if the development later becomes non-conforming during the period covered by the agreement, or within 20 years of its effective date, whichever period is shorter, the certificates of occupancy for the commercial space shall be revoked unless the amount of real estate taxes abated pursuant to the agreement are repaid.

2-66.6 The Agreement must include, but is not limited to, the following elements:

- a. the outstanding amount of real estate taxes;
- b. the rate of interest to accrue, if any;
- c. the amount of monthly payments;
- d. the commencement date of the payments;
- e. the due date of the final payment;
- f. the late penalty fee, if any;
- g. the number of affordable housing units to be developed; and
- h. the amount of real estate taxes to be abated subject to Department of Revenue approval.

2-66.7 The Board of Selectmen is hereby authorized to establish a written policy or policies regarding the circumstances under which agreements under this By-law may be made as well as any parameters regarding the terms of such agreements.

2-66.8 This By-law may be amended from time to time by a majority vote of the Town Meeting consistent with the provisions of M.G.L. Chapter 58, §8C.

2-66.9 Provided the M.G.L. Chapter 58, §8C is accepted by the voters of the Town at a Special or Annual Town Meeting, this By-law shall take effect after all requirements of M.G.L. Chapter 58, §8C have been met.

(Art. 31, 5/6/03; Art. 47, 5/4/04)

ARTICLE X

TOWN ADMINISTRATOR POWERS AND DUTIES **Effective January 1, 2007**

67-1 Town Administrator; Duties.

67-1.1 The Town Administrator appointed by the Board of Selectmen as set forth in Chapter II, Article III, Section 2-3.2 of The Topsfield Town Code shall have the following duties:

- a. Chief Administrative Officer. The Town Administrator shall serve as the Town's Chief Administrative Officer, shall act as the agent for the Board of Selectmen and shall be responsible to the Board of Selectmen for the proper operation of Town affairs for which said Administrator is given responsibility under this By-law. The Administrator shall supervise, direct and be responsible for the efficient administration of all departments and employees under the jurisdiction of the Board of Selectmen and all functions for which the Administrator is given responsibility, authority or control by The Town of Topsfield Code, town meeting vote, or by vote of the Board of Selectmen.
- b. Chief Procurement Officer. The Town Administrator shall act as Chief Procurement Officer pursuant to Section 24-2 (a) of The Town of Topsfield Procurement By-law.
- c. Appointments. The Town Administrator shall appoint, based upon merit and fitness, all department heads and officers, subordinates and employees under the jurisdiction of the Board of Selectmen, except employees of the school department, persons serving under officers, boards, or committees elected directly by the voters of the Town of Topsfield, or appointments otherwise reserved to the Board of Selectmen or other officials pursuant to The Town of Topsfield Town Code. Appointment of the Chief of Police and the Fire Chief shall be subject to confirmation by the Board of Selectmen. All other appointments of the Town Administrator shall be made in consultation with the appropriate department head, board, commission, or committee and shall be in compliance with the Personnel By-law and Personnel Rules and Regulations of the Town. Any person holding office or employment upon the effective date of the adoption of this By-law, shall continue to perform his or her duties under the provisions of the Personnel By-law and Personnel Rules and Regulations of the Town of Topsfield, unless such position is abolished by Town Meeting vote and nothing contained herein shall otherwise impair contractual rights established prior to the adoption of this By-law.
- d. Personnel Director. The Town Administrator shall be the Town's Personnel Director and shall administer the Town's Personnel By-law. In addition, the Town Administrator shall direct the Town's contract negotiations, subject to ratification by the Board of Selectmen;
- e. Positions/Committees Abolished. Simultaneously with the establishment of the position of Town Administrator and the appointment of the same, the positions of Executive Secretary, the Personnel Board, and the Capital Program Committee shall be abolished. In addition, upon the appointment of a Town Administrator, the provisions of the Town Code (Article VII, 2-14), concerning the Capital Program Committee, shall be deleted.

(Art. 4, 3/1/05)

iEditor's Note: Article VII 2-19 Community Preservation Committee By-Law deleted. Its adoption failed to be confirmed under Ballot Question Six –Town Election May 3, 2005.

ii Editor's Note:

See Article VII of this chapter for the establishment of the Capital Program Committee Regulations, Section 3-6. Note: Capital Program Committee deleted January 1, 2007 Article 4, Special Town Meeting March 1, 2005.

iiiEditor's Note: Subsection 2-15.2 amended Article 29, A.T.M. 3/7/60 RE: Members.

ivEditor's Note: Refer to Chapter XXVII, Historic District's By-Law.

v Editor's Note: Article X Town Administrator Powers & Duties established by Town Meeting vote Article 4, STM 3/1/05 effective January 1, 2007.

viEditor's Note: The Agricultural Commission was established by Town Meeting vote Article 36, Annual Town Meeting May 3, 2005, effective August 30, 2005.